The *Workers Compensation Act* requires that the employer must post a copy of this report in a conspicuous place at or near the workplace inspected for at least seven days, or until compliance has been achieved, whichever is the longer period. A copy of this report must also be given to the joint committee or worker health and safety representative, as applicable.

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**Inspection Report #201817871049B**

<table>
<thead>
<tr>
<th>Employer Name</th>
<th>Jobsite Inspected</th>
<th>Scope of Inspection</th>
</tr>
</thead>
<tbody>
<tr>
<td>SIMON FRASER UNIVERSITY</td>
<td>8888 University Dr</td>
<td>Starbucks &amp; MacKenzie Cafe: Temps &amp; Controls</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of Initiating Inspection</th>
<th>Date of This Inspection</th>
<th>Delivery Date of This Report</th>
<th>Delivery Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aug 07, 2018</td>
<td>Oct 12, 2018</td>
<td>Oct 12, 2018</td>
<td>Email</td>
</tr>
</tbody>
</table>

**THERE IS ONE (1) ORDER OR OTHER ITEM OUTSTANDING**

**ACTION REQUIRED**

**Summary of Orders or other Items**

See “Orders/Items – Full Details” section of this Inspection Report for orders/items cited

<table>
<thead>
<tr>
<th>Order/Item No.1</th>
<th>Status</th>
<th>Cited</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Outstanding</strong></td>
<td><strong>WCA119(a)</strong></td>
</tr>
</tbody>
</table>

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**ORDER STATUS LEGEND**

<table>
<thead>
<tr>
<th>Order Status</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding</td>
<td>Order Outstanding - Action Required to Achieve Compliance</td>
</tr>
<tr>
<td>Complied</td>
<td>Compliance Achieved - No Further Action Required</td>
</tr>
<tr>
<td>Closed</td>
<td>Order is Closed</td>
</tr>
<tr>
<td>Rescinded</td>
<td>Order has been cancelled – No Further Action Required</td>
</tr>
</tbody>
</table>

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INSPECTION NOTES

This was a follow-up inspection to authenticate appropriate compliance with the order(s) noted in the inspection report (IR) 201817871049A.

On October 5, 2018, this employer submitted their Notice of Compliance (NOC) via email. This employer is actively working toward achieving compliance with the outstanding Order. Please see Order Text for additional details.

I will follow-up with this employer on January 8, 2019 and June 30, 2019 to assess compliance activities.

Contact Information:

If you have any questions regarding this report, please contact me.

Yvonne Nann
Occupational Hygiene Officer
Prevention Field Services
e-mail: yvonne.nann@worksafebc.com

Mailing address: PO Box 5350 Stn Terminal, Vancouver BC V6B 5L5

More information about health and safety, including the Workers Compensation Act and the Occupational Health and Safety Regulation may be found at the WorkSafeBC website (www.worksafebc.com).

To report a serious accident/incident or major chemical release, call: 604.276.3100 in the Lower Mainland; 888.621.7233 toll-free within B.C. To report after hour health and safety emergencies, call 866.922.4357.
ORDERS/ITEMS

An employer who fails to comply with Part 3 of the *Workers Compensation Act*, the Occupational Health & Safety Regulation, or WorkSafeBC orders may be subject to monetary or other sanctions as prescribed by the *Workers Compensation Act*.

Orders/Items - Full Details

<table>
<thead>
<tr>
<th>Order/Item No.1</th>
<th>Status: Outstanding</th>
<th>Cited: WCA119(a)</th>
</tr>
</thead>
</table>

**Progress towards compliance:**

*Oct 12, 2018 - Compliance in progress* - The employer representative submitted a Notice of Compliance (NOC) on October 5, 2018 advising that Bycar Engineering has been retained to assist with the review and installation of the mechanical systems (specifically Heating, Ventilating, and Air-conditioning system to incorporate cooling) at the WMC Starbucks and Mackenzie Cafe workplaces. The employer has selected architectural and mechanical solutions to effectively cool and control the temperatures of the entire work spaces of these two locations to address future concerns related to fluctuating temperatures. The installation will require the shutdown (closure) of these workplaces. As such, the proposed closures are either over the winter break (Christmas holiday) or in early Spring 2019. The employer is committed to have both projects completed by June 2019.

Noting the above, a time extension to **June 30, 2019 (or before the Summer season begins)** is granted to the employer to achieve compliance with this order.
Orders/Items - Full Details

Initiating order:

Aug 07, 2018 - The owner of this workplace has not been providing and maintaining the owner's land and premises in a manner that ensures the health and safety of persons at or near the workplace as evidenced by:

- Ongoing complaints from contracted workers (Sodexo, Subway) for more than the last two warmer seasons related to hot indoor air temperature concerns. These concerns have been brought to the attention of SFU Facilities Services in the past.
- There have been at least two reported Sodexo workers illnesses related to the recent hot indoor air temperatures at the Starbucks West Mall location.
- Indoor air temperatures have been measured well above 30 degrees Celsius at Starbucks West Mall and MacKenzie Cafe.
- SFU Facilities Services is responsible for building service service which include ensuring the design, installation, inspection, and ongoing preventive maintenance of the HVAC systems at Starbucks West Mall and MacKenzie Cafe.
- At the preliminary assessment during the week of August 3, 2018, SFU Facilities Services attempted to modify the air handling unit (AHU) on the roof of the Starbucks West Mall location but discovered that the location of the AHU is problematic which was drawing in hotter air from outdoor than anticipated.

Inadequate design and ineffectiveness of the HVAC systems for the space and work activity requirements reduce the effectiveness and the ability of the HVAC system (engineering control) to remove heat and cool the work area; thereby, putting workers at risk of over-exposure to heat.

This is in contravention of the Workers Compensation Act Section 119 (a).

Every owner of a workplace must provide and maintain the owner's land and premises that are being used as a workplace in a manner that ensures the health and safety of persons at or near the workplace.

Measures to Ensure Compliance:

Without undue delay, this employer is ordered to ensure that adequate and effective heating, ventilating, and air-conditioning (HVAC) systems are designed, installed, and maintained at the workplaces at Starbucks West Mall and MacKenzie Cafe to ensure that temperature and relative humidity levels within the indoor work environment are maintained within acceptable comfortable ranges.

Refer to the ASHRAE Publication *Handbook of Fundamentals* or the WorkSafeBC publication on *Indoor Air Quality* for information on acceptable temperatures and humidity levels.

Pursuant to section 194 (1) of the Workers Compensation Act, the employer must prepare a Notice of Compliance report. In accordance with section 194 (2), this report must detail what has been done to comply with the order, and where compliance has not been achieved by the time the report has been submitted, include a plan of what will be done to comply and when compliance will be achieved. Please submit the report no later than October 6, 2018.
**Right to Review**

Any employer, worker, owner, supplier, union, or a member of a deceased worker's family directly affected may, within 45 calendar days of the delivery date of this report, in writing, request the Review Division of WorkSafeBC to conduct a review of an order, or the non-issuance of an order, by contacting the Review Division. Employers requiring assistance may contact the Employers’ Advisers at 1-800-925-2233.

WorkSafeBC values your feedback. To obtain that feedback, an external market research provider may be contacting you to complete a survey.